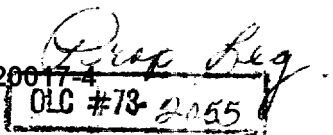


24 May 1978



MEMORANDUM FOR: Acting Legislative Counsel

ATTENTION :

FROM :



Assistant General Counsel

STAT

SUBJECT : Comments on H.R. 12034, "Age Discrimination in Federal Employment Act of 1978"

1. You have asked for comments from this Office on Section 8 of the subject bill, particularly as it might apply to the mandatory retirement provisions of the CIARDS Act (P.L. 88-643, as amended).

2. Section 8 of the bill, which addresses the Central Intelligence Agency, reads as follows:

: Section 102(c) of the National Security Act of 1947 (50 U.S.C 403(c)) is amended by inserting after 'in the interests of the United States,' the following: 'except that such termination shall not be based solely upon the age of such officer or employee.'

3. It is my opinion that the suggested amendment is acceptable to the Agency, since it is not now and has never been, Agency policy to terminate employment solely on the basis of age. Of course, it is important to insure that the language ultimately enacted does not differ from the language as appears here.

4. It is also my opinion that this amendment has no effect upon the mandatory retirement provision of the CIARDS Act (Section 235(b) of the Act). The concept of mandatory retirement is different from the concept of termination of employment pursuant to Section 102(c) of the National Security Act of 1947. Further, the mandatory retirement provisions of the CIARDS Act are not based on age alone.

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